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Approved for use through 10/31/2002. OMB 0651-0031
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/154,031	
	Filing Date	01/02/2001	
	First Named Inventor	WILLIAM J. PAYER	
	Group Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	22	Attorney Docket Number	

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached <i>PLEASE BILL*</i>	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<i>① LETTER TO MS. STEEL</i>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<i>② FORMALITIES</i>
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	<i>LETTER</i>
<input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	<i>* PLEASE SEE ATTACHED LETTER TO MS. STEEL</i>
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	WILLIAM J. PAYER
Signature	<i>William J. Payer</i>
Date	7/19/01

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 7/19/01	
Typed or printed name	WILLIAM J. PAYER
Signature	<i>William J. Payer</i>
Date	7/19/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/754,031	01/02/2001	William J. Payer	

CONFIRMATION NO. 2037

FORMALITIES LETTER



OC00000006170475

WILLIAM J PAYER
4860 PARKVIEW MINE DRIVE
SUGAR HILL, GA 30518

Date Mailed: 06/12/2001

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on to the Notice mailed and it has been entered into the nonprovisional application. The reply, however, doesnot include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may,however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a)accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- The Claim(s) commencing on a separate sheet (37 CFR 1.75(h)).

A copy of this notice MUST be returned with the reply.

Request Woldeyes
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

09/754,031



PTO/SB-77 (11-88)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number	09/154,031
Filing Date	07/02/2001
First Named Inventor	WILLIAM J. PAYER
Examiner Name	
Group Art Unit	
Attorney Docket No.	

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	
Deposit Account Name	

- ☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

<input type="checkbox"/> Check	<input type="checkbox"/> Credit card	<input type="checkbox"/> Money Order	<input checked="" type="checkbox"/> Other
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FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	=
Independent Claims	-3** =	X	=
Multiple Dependent			=

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	445
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
128	180	128	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 445

SUBMITTED BY

Name (Print/Type)	WILLIAM PAYER	Registration No. (Attorney/Agent)		Telephone	678.572.5012
Signature	<i>William Payer</i>			Date	7/19/2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Millennium Steel Structures, Inc.

Ms. Shirley Steel, Manager
Initial Patent Examination Center
United States Patent and Trademark Office
Washington, DC 20231

Dear Ms. Steel:


My name is William J. Payer and my application number is 09/754,031. We have talked before over the telephone.

On 6/12/01, I received a document from your division concerning a Formalities Letter. The letter stated that my application was incomplete because the claims were not placed on separate sheets exclusive of the rest of the application. In subsequent phone calls over a three week period with your office, I do not believe I have come up with a satisfactory explanation.

Technically, the claims to my understanding have been placed on a separate sheet with a statement technically defining the purpose of the claims and therefore part of the claims themselves. "Many different embodiments of the present invention may be made without departing from the scope of spirit....." was placed in front of "I Claim". I believe a reasonable discussion could be made that this statement should not be placed with the proceeding section "Description of the Preferred Embodiment". Its heart and soul is within the next Section "I Claim". The intent is further identified by myself with "Description of the Preferred Embodiment" section ending two-thirds page down - therefore ending the section. Please consider this.

Second, the question exists about the approximately two months the review took to find such a possible difference in Patent Rules. As you know the difference in cost between a one month extension and a three month extension is considerable. One, I believe, from an outside source might bring up the question that your division is attempting just to secure more funds through this procedure of time delay. This is probably not the case since I do believe your division may be quite busy but the perception will exist. I do not believe that reimbursement for this delay is the intent or the mandate of the Patent Office - especially in a case which is definitely subject to discussion.

Please advise accordingly.


Sincerely,
William Payer, P.E.